

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS E. LUNNEEN,

Plaintiff,

vs.

BERRIEN SPRINGS, VILLAGE OF, et al.,

Defendants.

Case No. 1:20-cv-1007-HYJ-PJG

Hon. Hala Y. Jarbou

Hon. Mag. Judge Phillip J. Green

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PLAINTIFF'S DAUBERT MOTION REGARDING DR. LUCERI

Plaintiff, by and through counsel, Mel C. Orchard III, Noah W. Drew, and Emily S. Madden of THE SPENCE LAW FIRM, LLC, and Sean W. Drew of THE DREW LAW OFFICE, and pursuant to Rule 702 of the Federal Rules of Evidence, respectfully moves the Court for an order excluding portions of proffered testimony by Defendants' jointly retained and designated cardiology expert, Dr. Luceri, in the following respects and for the following reasons:

1. Dr. Luceri is a cardiologist who exceeds the bounds of his specialty and expertise when he opines and/or concludes the decedent, Jack C. Lunneen, was suffering from substance abuse. This renders his opinion unreliable under Rule 702 of the Federal Rules of Evidence and interpretive case law, including *Daubert v. Merrell Dow Pharms. Inc.*, 509 U.S. 579 (1993).

2. Even if Dr. Luceri is qualified to diagnose mental health disorders such as substance abuse, Dr. Luceri's opinion and/or conclusion in this case is based upon insufficient facts or data and inadmissible evidence that is not generally or reasonably relied upon experts in the field. Therefore, Dr. Luceri's opinion and/or conclusion on this issue is unreliable under Rule 702 of the Federal Rules of Evidence and interpretive case law, including *Daubert v. Merrell Dow Pharms. Inc.*, 509 U.S. 579 (1993).

3. A brief in support of Plaintiff's Motion is submitted herewith.

WHEREFORE, Plaintiff respectfully requests the Court exclude these portions of Dr. Luceri's opinions, conclusions, and proffered testimony and prohibit him from so testifying at trial.

Respectfully submitted this 6th day of June 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June 2022, I served this document electronically via the Court's CM/ECF system on the following persons:

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